

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Bobby Bunnells, Jr.,)	
)	C/A No. 4:09-2083-MBS
Petitioner,)	
)	
vs.)	
)	
Warden, Edgefield Satellite Prison Camp,)	ORDER
)	
Respondent.)	
_____)	

At the time of filing, Petitioner Bobby Bunnells, Jr. was an inmate in custody of the Federal Bureau of Prisons (BOP). On August 10, 2009, Petitioner Bobby Bunnells, Jr. brought the within petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner contends that the BOP failed to determine that he is eligible for confinement in a Community Corrections Center (now known as a Residential Reentry Center or “RRC”).

Respondent filed a motion for summary judgment on October 20, 2009. In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), an order was issued advising Petitioner of the summary judgment procedure and the possible consequences of failing to respond adequately. Petitioner filed a response in opposition to Respondent’s motion on November 2, 2009.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Thomas E. Rogers III for pretrial handling. On June 25, 2010, the Magistrate Judge issued an order in which he gave the parties five days to inform the court as to the status of Petitioner’s custody, and if Petitioner had been released to an RRC, their position as to how it affects the within action, if at all. On July 1, 2010, Respondent filed a response to the Magistrate Judge’s order in which it asserted that the matter is moot. According to Respondent, Petitioner had been placed in an RRC on February 10, 2010. On July 6, 2010, the envelope

containing Petitioner's copy of the Magistrate Judge's order of June 25, 2010 was returned to the Clerk of Court marked "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD."

On July 7, 2010, the Magistrate Judge issued a Report and Recommendation in which he recommended that the petition be dismissed as moot. The envelope containing Petitioner's copy of the Report and Recommendation was returned to the Clerk's office on August 2, 2010, marked 'RETURN TO SENDER - UNABLE TO FORWARD.'

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The court's review of the record and of the BOP inmate locator indicates that Petitioner currently is housed at CCM Raleigh in Butner, North Carolina with a projected release date of August 8, 2010. It appears that Petitioner has received the relief sought. The court concurs in the Report and Recommendation and incorporates it herein by reference. The within action is **dismissed as moot**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
August 16, 2010

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.